

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

**FILED**  
STATESVILLE, N.C.

FEB 8 2007

U.S. DISTRICT COURT  
W. DIST. OF NC

R.J. Reynolds Tobacco Company,

Plaintiff,

vs.

Market Basket Food Stores, Inc., *et al.*,

Defendants.

5:05CV253  
Civil Action No. ~~05CV253~~

Hon. Richard L. Voorhees

**AGREED ORDER OF DISMISSAL WITH PREJUDICE OF  
DEFENDANTS DANIEL BLACKBURN AND RONALD CLARK**


The Court considered the respective Joint Motions to Dismiss of Plaintiff R.J. Reynolds Tobacco Company (hereinafter "RJRT") and Defendants Daniel Blackburn and Ronald Clark brought under Federal Rule of Civil Procedure 41(a)(2), and acknowledges that all matters among and between those parties which were or could have been asserted in the above-referenced lawsuit have been resolved by respective agreements between them.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all causes of action or claims asserted by RJRT against Daniel Blackburn and Ronald Clark in the above-referenced lawsuit, or which could have been asserted by RJRT against those parties, or vice versa, are dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this order does not dismiss RJRT's claims against the remaining Defendants in this action, all such claims being expressly reserved by RJRT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as between RJRT and Defendants Daniel Blackburn and Ronald Clark, each party shall be responsible for their respective legal fees and court costs.

This 7<sup>th</sup> day of February 2007

  
Richard L. Voorhees  
United States District Judge